

REMARKS

Applicant thanks the Examiner for the allowance of claims 1, 3-9, 51-52, and 54-56.

The Examiner pointed out in the Notice of Allowance that there was an error in the oath or declaration. Applicant is submitting this response together with a Request for Continued Examination in an abundance of caution to ensure that this matter is appropriately resolved during the pendency of this application.

I. The Oath/Declaration

The Examiner stated that the oath or declaration was defective because “the duty to disclose statement should recite the following statement exactly:

‘I acknowledge the duty to disclose information *which is material to patentability of this application* in accordance with Title 37, Code of Federal Regulations Section 1.56.’” (emphasis added).

The executed Declaration and Power of Attorney states:

“I acknowledge the duty to disclose all information *known to me to be material to the patentability of this application* as defined in 37 C.F.R. § 1.56.” (emphasis added)

37 C.F.R. § 1.56 states that “[e]ach individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office *all information known to that individual to be material to patentability* as defined in this section.” (emphasis added).

37 C.F.R. § 1.63 states that the oath or declaration must “[s]tate that the person making the oath or declaration acknowledges the duty to disclose to the office *all information known to the person to be material to patentability* as defined in § 1.56” (emphasis added)(see also MPEP § 602).

Thus, Applicants respectfully submits that the language of the executed Declaration and Power of Attorney of record comports with the language required by 37 C.F.R. § 1.63 and is in compliance therewith. The language proffered by the Examiner would appear to be even more limiting than that required by 37 C.F.R. § 1.63. Reconsideration and withdrawal of this objection is respectfully requested.

II. Non-Substantive Amendments

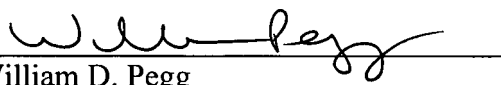
In view of the present filing of the Request for Continued Examination, Applicant would like to take this opportunity to introduce some minor amendments to the allowed claims. These minor amendments are not being for reasons relating to patentability, do not add new matter, and do not raise new issues requiring additional search or consideration.

In the event that the Examiner has any questions related to this amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

A check in the amount of \$790.00 for the Request for Continued Examination is enclosed. It is believed that no further fees are due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Nixon Peabody LLP, Deposit Account No. 50-4181, Order No. 247079-000115USPT.

Respectfully submitted,

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Date


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